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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**JODI HINGSTON,**

Plaintiff,

vs.

**QUICK COLLECT, INC., &  
KENNETH MITCHELL-PHILLIPS,  
SR., individually,**

Defendants.

Case No.: 3:15-cv-1202

**COMPLAINT;**

FAIR DEBT COLLECTION PRACTICES  
ACT (15 U.S.C. § 1692a, *et seq.*);

DEMAND FOR JURY TRIAL

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**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendants' violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

**II. JURISDICTION**

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 U.S.C. § 1331.

### **III. PARTIES**

3. Plaintiff, Jodi Hingston, (“Plaintiff”), is a natural person residing in Polk County, Oregon.

4. Defendant, Quick Collect, Inc., (“Defendant QCI”), is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant QCI regularly attempts to collect debts alleged due another.

5. Defendant, Kenneth Mitchell-Phillips, Sr. (“Defendant Mitchell-Phillips”), is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant Mitchell-Phillips regularly attempts to collect debts alleged due another.

### **IV. FACTUAL ALLEGATIONS**

6. Defendants are each a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

7. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

8. All activities of Defendants set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 U.S.C. § 1692a(5).

9. Within the last year, Defendants took multiple actions in an attempt to collect a debt from Plaintiff. Defendants’ conduct violated the FDCPA in multiple ways, including the following.

10. Defendant Quick Collect, by and through its attorney Defendant Mitchell-Phillips, failed to effectively convey the notices required by 15 USC 1692g(a) in the

initial communication with the consumer or in writing within 5 days thereof (§ 1692g(a)).

11. Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt, including Defendant Quick Collect, by and through its attorney Defendant Mitchell-Phillips, failing to provide Plaintiff with a copy of garnishment documents required to be sent to her by ORS 18.658 (§ 1692f)).

12. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

13. Defendants intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

14. Defendants' actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

15. To the extent Defendants' actions, detailed above, were carried out by an employee of either Defendant, that employee was acting within the scope of his or her employment.

#### **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

16. Plaintiff reincorporates by reference all of the preceding paragraphs.

17. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FDCPA.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

- A. Declaratory judgment that Defendants' conduct violated the FDCPA;
- B. Actual damages pursuant to 15 U.S.C. 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 30<sup>th</sup> day of June, 2015.

By: s/Joshua Trigsted  
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